IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.68 OF 2007
IN
FAMILY COURT APPEAL NO.9 OF 2005

Mrs. Sonia Sanjay Seth ..Applicant.
Vs.
Sanjay Prannath Seth ..Respondent.

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Ms. Sarkhot h/f Mr. R.V. Govilkar for the Applicant.
Mr. A.G. Toraskar for the Respondent.

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CORAM: **SMT. RANJANA DESAI, AND**
DR. D.Y. CHANDRACHUD, JJ.

30th August, 2007.

P.C. :

Family Court Appeal 9 of 2005 was disposed of in terms of the Consent Terms dated 16th October, 2006 by a Division Bench of this Court to which one of us (Smt. Ranjana Desai, J.) was a party. Under the Consent Terms the husband was to pay a sum of Rs.2,50,000/- to the wife. The said amount was not paid by the husband in the stipulated period. Alleging that there was a breach of the Consent Terms, the wife has filed the instant Civil Application praying that the Consent Terms be varied in view of the

breach. The husband's case is that on account of circumstances beyond his control, he could not pay the amount of Rs.2,50,000/- as agreed. Thereafter several meetings were held in the Chamber and on 5th June, 2007 a demand draft in the sum of Rs.50,000/- was handed over by the husband to the wife. Subsequently another demand draft of Rs.50,000/-was handed over to the wife by the husband. A demand draft in the sum of Rs.1,50,000/- was also tendered in Court. It was directed to be kept in the custody of the Registrar – Judicial because certain formalities had to be complied with. The learned counsel are agreed that all the formalities have now been complied with except that the husband has to take steps to delete the name of the wife from the ration card. The Counsel appearing for the Respondent – husband says that within a period of one week from today, steps will be taken to delete the name of the wife from the ration card. This statement is accepted by the Court. The demand draft in the sum of Rs.1,50,000/- is handed over to the learned counsel appearing for the Applicant – wife in the Court today. He has in turn handed it over the same to the wife who is present in Court today. The

learned counsel appearing for the husband states that in case the husband changes his address, he shall communicate the new address to the wife. This statement is also accepted. In view of this, nothing survives in the Civil Application. The Civil Application is disposed of.

SMT. RANJANA DESAI, J.

DR. D.Y. CHANDRACHUD, J.